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Honorable Marc L. Barreca
Chapter 7
Hearing Location: Seattle, Rm. 7106
Special Set Hearing Date: April 24, 2024
Hearing Time: 1:30 p.m.
Response Date: April 17, 2024

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re:

ASSET REALTY LLC

Debtor.

Case No. 23-10326-MLB

**AMENDED NOTICE OF HEARING ON
MOTION OF CENTURY 21 REAL
ESTATE LLC FOR ALLOWANCE AND
PAYMENT OF ADMINISTRATIVE
EXPENSE CLAIMS**

TO: ASSET REALTY LLC, Debtor;
AND TO: JAMES E. DICKMEYER, Attorney for Debtor;
AND TO: DEBORAH A. CRABBE Attorney for Chapter 7 Trustee
AND TO: UNITED STATES TRUSTEE;
AND TO: CREDITORS AND PARTIES IN INTEREST ON OFFICIAL MAILING MATRIX

PLEASE TAKE NOTICE that a hearing originally scheduled for April 18, 2024, has been rescheduled and is now scheduled, on **April 24, 2024, at 1:30 p.m. (PT)** before the Honorable Marc L. Barreca, United States Bankruptcy Judge, in Courtroom 7106, 700 Stewart Street, Seattle, WA, 98101 on the Motion of Century 21 Real Estate LLC ("C21") for Allowance and Payment of Administrative Expense Claims (the "Motion").

Prior to conversion, the Debtor conducted operations as a real estate brokerage and was licensed to operate as a Century 21® real estate office pursuant to a Franchise Agreement¹ between the parties. The Franchise Agreement, *inter alia*, authorized the Debtor to use and/or display certain protected intellectual property of C21 including the Century 21 Marks and Century 21 System.

Pursuant to the terms of Franchise Agreement, the Debtor was granted a personal non-exclusive license to utilize the Century 21 Marks and the Century 21 System in the operation of its real estate brokerage office in

¹ "Franchise Agreement" is a defined term in the Motion and it, and all defined terms used herein shall have the same meaning(s) as set forth in the Motion.

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exchange for which the Debtor was obligated to pay C21 a Royalty Fee as set forth in the Franchise Agreement with respect to each real estate transaction from which the Debtor earned a commission.

Over the course of the bankruptcy case, the Debtor derived revenue from brokerage commissions received from closed real estate transactions without paying the Royalty Fee as required under the Franchise Agreement. The Debtor would not have been able to derive this revenue but for its continued post-petition use of the Century 21 Marks and Century 21 System. As such, the services provided by C21 under the Franchise Agreement conferred a direct benefit upon the bankruptcy estate and the charges associated with those services constitute reasonable and necessary charges to enhance and preserve the estate and are entitled to administrative priority under 11 U.S.C. §503(b)(1). C21 asserts a chapter 11 administrative claim in the amount of \$100,780.03 and a Chapter 7 administrative claim in the amount of \$11,143.

PLEASE TAKE FURTHER NOTICE that copies of the Motion and related documents may be (1) reviewed and copied at the Clerk of the United States Bankruptcy Court, 700 Stewart Street, Seattle, WA 98101 or (2) may be obtained by submitting a written request to Ms. Denise Lentz, Paralegal, K&L Gates, LLP, 925 Fourth Avenue, Suite 2900, Seattle, WA 98104-1158, Email: denise.lentz@klgates.com.

PLEASE TAKE FURTHER NOTICE THAT IF YOU OPPOSE the Motion, you must file your objection NO LATER THAN **Wednesday, April 17, 2024**. Objections must be filed with the Court, 700 Stewart Street, Seattle, WA, 98101, and a copy delivered to:

K&L Gates, LLP
David S. Catuogno
One Newark Center, Tenth Floor
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PLEASE TAKE FURTHER NOTICE that in accordance with Local Bankruptcy Rule 9013-1(d)(7), failure to timely file and serve an objection to the Motion may be deemed by the Court an admission that any opposition to the Motion is without merit. Further, pursuant to Local Bankruptcy Rule 9013-1(e), failure to appear at the hearing on the Motion may be deemed by the Court to be an admission that any opposition to the Motion is without merit. Further, pursuant to Local Bankruptcy Rule 9013-1(f), if no opposition to the Motion is timely filed and served, the Court may either (a) grant the Motion by default at the hearing, or (2) grant the Motion prior to the hearing on the Trustee's ex parte presentation of a proposed order accompanied by proof of service and a declaration that no objection to the Motion was timely received.

DATED this 20th day of March, 2024.

K&L GATES LLP

/s/ David S. Catuogno

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Attorneys for Century 21 Real Estate LLC

CERTIFICATE OF SERVICE

The undersigned declares as follows:

That she is a paralegal in the law firm of K&L Gates LLP, and on March 20, 2024, she caused the foregoing document to be filed electronically through the CM/ECF system which caused Registered Participants to be served by electronic means, as fully reflected on the Notice of Electronic Filing.

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

Executed on the 20th day of March, 2024 at Seattle, Washington.

/s/ Denise A. Lentz

Denise A. Lentz